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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,958	10/15/2001	Donald A. Phillips	02307Z-090130US	3597
20350	7590	07/13/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			LANKFORD JR, LEON B	
		ART UNIT	PAPER NUMBER	
		1651		

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

070904

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Commissioner for Patents

The reply filed on 4/29/04 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): applicant has amended the claims to include the use of a recombinantly produced microorganism which is not the elected invention- it is a patentably unrelated invention. As such there are no claims presented in the application which are drawn to the elected invention. That being said, it would appear that claims drawn to the use of "isolated lumichrome" are free of the prior art. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).



Leon Lankford
Primary Examiner
Art Unit: 1651